IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3575 OF 2005

Ashok Gana Saravade ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. V.V. Purwant for the Applicant.
Ms S.D.Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 15, 2005.

P.C.:

1. The offence alleged against the Applicant and the co-accused is under sections 307, 324, 504, 147, 148 and 149 of the Indian Penal Code.

2. The learned Advocate appearing for the Applicant submitted that F.I.R. does not contain name of the Applicant and in fact F.I.R. suggests that the Applicant went to the site to resolve the dispute between two groups. He pointed out that his name was subsequently added in one of the remand reports filed before the Court of the learned Magistrate.

3. The Application for Anticipatory Bail made by the Applicant has been rejected by the learned Sessions Judge, Solapur. One of the grounds on which the Application has been rejected is that the Applicant was absconding. It is true that the observation made by the learned Sessions Judge

regarding incorporation of the name of the Applicant in F.I.R. is incorrect.

4. An affidavit is filed by the Investigating Officer annexing thereto the extract of the case diary which shows that when inquries were made on 12th May, 2005, 17th May, 2005, 19th May, 2005, 26th May, 2005 and on 7th July, 2005, the whereabouts of the Applicant could not be located. It is stated on oath that the Applicant has been absconding on 22nd April, 2005.

5. Considering the fact that there is material on record to show that the Applicant is absconding and that the offence is under section 307 of the Indian Penal Code, no case is made out for grant of Anticipatory Bail. Hence, Application is rejected.

JUDGE